

Lewis, Judith

From: Levine, Scott
Sent: Wednesday, February 08, 2017 1:23 PM
To: Lewis, Judith
Subject: Two new FOIA requests sent via fax
Attachments: CREWrequest1.pdf; CREWrequest2.pdf



Hi Judith,

Here are the two requests I just spoke to you about which we received today via fax. They both need to be entered into FOIAonline.

- **CREWrequest1:** I spoke to Becky Dolph of the FEAT group about the request labeled CREWrequest1 – she said that it should be assigned to AO with a task to OIG.
- **CREWrequest2:** I'm not sure who CREWrequest2 should be sent to (it's about the transition team, but mentioned EPA Office of Public Affairs. This request should **not** be assigned or tasked to OIG.

Please let me know if I can provide any other information.

Scott

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CREW | citizens for responsibility and ethics in washington

February 7, 2017



BY FACSIMILE: (202) 566-0870

FOIA Officer
Environmental Protection Agency
EPA OIG
1200 Pennsylvania Avenue, N.W.
Mail Code 2411T

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington ("CREW") makes this request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and EPA regulations.

Specifically CREW requests copies of all communications from January 1, 2017 to the present sent to or from anyone within the Executive Office of the President and/or anyone acting on behalf of the Executive Office of the President, including members of the Trump transition team, concerning Inspector General Arthur A. Elkins, Jr.'s tenure in office and/or whether he is being held over on a temporary basis only.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and EPA regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request

FOIA Officer
February 7, 2017
Page 2

concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

It was recently reported that on January 13, 2017, transition team leaders were instructed to advise all inspectors general "that they are being held over on a temporary basis."¹ According to the *Washington Post*, this email "suggests involvement at a more senior level of the transition," most likely Deputy Assistant to the President and White House Director of Intergovernmental Affairs Justin Clark. *Id.* According to House Oversight Committee Chairman Jason Chaffetz, the White House advised him the calls made by the transition team "were a 'mistake' and the work of a 'junior person.'" *Id.*

The requested records would shed light on the extent, if any, that the White House has pressured inspectors general to seek other employment and whether the characterization by the White House of efforts to oust inspectors general as a "mistake" is accurate. Calling for the mass termination of all inspectors general is reminiscent of the termination by the administration of George H.W. Bush of seven United States attorneys, which was alleged to have been politically motivated and which drew large public attention. Moreover the recent firing of Acting Attorney General Sally Q. Yates makes clear President Trump will not hesitate to retaliate against those federal officials he views as antagonistic to his goals and policies.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org, and through www.scribd.com. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. See *Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

¹ Steven Mufson, *Trump Transition Email Shows Initial Effort to Oust All Inspectors General*, *Washington Post*, Feb. 1, 2017 (quoting email from Katie Giblin) (available at https://www.washingtonpost.com/news/politics/wp/2017/02/01/trump-transition-email-shows-initial-effort-to-oust-all-inspectors-general/?hpid=hp_rdp-banner-low_email-1135a%3Ahomepage%2Fstory&utm_term=.913a36ecae68).

FOIA Officer
February 7, 2017
Page 3

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Where possible, please produce records in electronic format. Please send the requested records to me either at aweismann@citizensforethics.org or at Anne L. Weismann, Citizens for Responsibility and Ethics in Washington, 455 Massachusetts Ave., N.W., 6th Floor, Washington, D.C. 20001. Thank you for your assistance in this matter.

Wm

Anne L. Weismann
Chief FOIA Counsel